

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THERESA VICTORY, <i>et al.</i>	:	CIVIL ACTION
	:	
v.	:	NO. 18-5170
	:	
BERKS COUNTY, <i>et al.</i>	:	

ORDER

AND NOW, this 15th day of January 2020, after evaluating the credibility of witnesses and all adduced evidence as to Plaintiffs' request for permanent injunctive relief consistent with our November 15, 2019 Order (ECF Doc. No. 325), carefully considering the Defendants' status reports (ECF Doc. Nos. 328, 333), the parties' Memoranda as to our ability or need to enter prospective relief (ECF Doc. Nos. 334, 337), consistent with our October 17, 2019 Memorandum (ECF Doc. No. 247), and having applied the standards for prospective relief under the Prison Litigation Reform Act and our traditional equitable principles and made several specific findings necessary for permanent injunctive relief in the accompanying Memorandum with Findings of Fact and Conclusions of Law, it is **ORDERED** Plaintiffs' request for permanent injunctive relief in its second amended Complaint (ECF Doc. No. 114) including declaratory judgment, is **GRANTED in part** and **DENIED in part**:

1. Plaintiffs' request for a declaratory judgment is **DENIED**;
2. Plaintiffs' request for a permanent injunction upon the entry of judgment is **GRANTED** requiring Berks County and each Defendant shall:
 - a. Provide a substantially equivalent amount of time each day during which cell doors are unlocked and prisoners are permitted to access the dayroom for all Trusty women and men, unless there is a unit-wide lockdown or individual disciplinary action;

b. Provide substantially equivalent access to phones, microwaves, and showers to all Trusty women and men, if allowing both Trusty women and men to access those amenities during time periods when their cell doors are unlocked or during indoor recreation periods, unless there is a unit-wide lockdown or individual disciplinary action;

c. Provide substantially equivalent visitation conditions for Trusty women and men including the presence or absence of a physical barrier between prisoners and their visitors;

d. Notify a female or male Trusty inmate, at the time that a male or female inmate is classified as a Trusty, of that classification by providing a Review for Trusty Status Memorandum from Berks County Jail System Treatment Staff. This memorandum shall at least notify the inmate of the following:

i. You are fully sentenced on all charges. If additional charges are brought against you, your classification status will be reviewed and adjusted accordingly.

ii. You have been medically cleared to work and must accept any job assignment offered to you. If you are no longer medically cleared, your classification status will be reviewed and adjusted accordingly.

iii. If recommended programming interferes with your job assignment, your program schedule takes priority.


iv. You may also be eligible for work release and furloughs. You may sign up to speak with your unit counselor about these programs.

v. Formal misconduct citations may result in the loss of Trusty Classification.

e. For as long as Berks County continues to offer Trusty inmates eligibility for a home furlough, submit a Partial Confinement Reentry Order to a Trusty inmates' sentencing

judge on a case by case basis after a given Trusty inmate meets the criteria for and requests a home furlough.

3. This permanent injunction is effective upon entry of final Judgment consistent with today's Order setting briefing on post-trial motions and for possible reasonable attorney's fees.



KEARNEY, J.